IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

WP(C).No. 16631 of 2007(E)

PETITIONER:

P.L.JAMES, PROPRIETOR, JAMES TRADERS,
KIZHOOR P.O., THRISSUR, RESIDING AT
PANIKULANGARA HOUSE, PALISSERY, ANNAMANADA,
THRISSUR DISTRICT.

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:
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1. THE SUPERINTENDENT OF POLICE, PALAKKAD.

2. THE SUPERINTENDENT OF POLICE, THRISSUR.

3. THE REVENUE DIVISIONAL OFFICER, PALAKKAD

BY GOVERNMENT PLEADER SRI.BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

tss

W.P.(C) NO.16631/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE BILL DT.18.5.07 ISSUED IN RESPECT OF PETITIONER'S VEHICLE NO.KL 8/AC 4778.

EXT.P2:- COPY OF THE RECEIPT DT. 19.5.07 EVIDENCING PAYMENT OF TAX AT SALES TAX CHECK POST.

EXT.P3:- COPY OF THE ORDER NO.A.2273/07 DT. 21.5.07 PASSED BY THE 3RD RESPONDENT.

EXT. P4:- COPY OF THE RECEIPT DT. 21.5.07 EVIDENCING THE PAYMENT OF FINE AMOUNT.

EXT.P5:- COPY OF THE BILL DT. 23.5.07 ISSUED IN RESPECT OF PETITIONER'S VEHICLE NO.KL 8/AC 4778.

EXT.P6:- COPY OF THE RECEIPT DT. 23.5.07 EVIDENCING PAYMENT OF TAX AT SALES TAX CHECK POST.

EXT.P7:- COPY OF THE RECEIPT DT. 23.5.07 EVIDENCING THE PAYMENT OF FINE AMOUNT.

/TRUE COPY/

P.S. TO JUDGE

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ANTONY DOMINIC, J.

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W.P.(C) No. 16631 OF 2007 E
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Dated this the 5th September, 2007

J U D G M E N T

The complaint of the petitioner is that he is transporting river sand from Tamil Nadu and despite the fact that he possesses all documents for the transportation of the same the vehicles are being unnecessarily intercepted, detained and he is prevented from carrying on his business. On instructions, learned Govt. Pleader submits that at the time when the vehicle was intercepted and inspected, the load was not accompanied by necessary documents. Of course, if the petitioner was not possessing the necessary documents authorising transportation of the river sand, the respondents cannot be faulted in intercepting the same or taking any action. However,if the truck is carrying all the necessary documents I direct that, though the respondents are entitled to inspect the vehicle and the documents, the vehicle shall not be detained and the petitioner shall not be prevented from carrying on his business.

With this direction the writ petition is disposed of.

ANTONY DOMINIC
JUDGE

jan/-